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February 3, 2023

Via Electronic Filing

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: Moses v. National Securities Corp., et. al.,
Case. No. 1:22-cv-08912 (ALC)
Application for Stay of Proceeding Pending Arbitration

Dear Judge Carter:

I write on behalf of plaintiff Michael Moses in the above referenced matter. Pursuant to Section 3 of the Federal Arbitration Act, we respectfully request that this Court grant a stay of this action during the pendency of arbitration with defendants National Securities Corporation (“NSC”) and Sean Sherwin.

On February 1, 2023, we filed a Notice of Voluntary Dismissal as to our claims against National Holdings Corporation and B. Riley Financial Inc., which was subsequently entered by this Court. *See* Dkts. 23 and 24. Now, Plaintiff intends to proceed to arbitration with the two remaining Defendants, NSC and Sherwin. We have spoken to counsel for NSC and Sherwin, and they do not oppose this application. The arbitration agreement entered between NSC and Sherwin is attached as **Exhibit 1**.

Given the unopposed nature of this request, and in the interest of conserving judicial time and resources, we bring this application by letter motion. However, if a formal motion to stay this action pending arbitration is required, Plaintiff will file the same at the Court’s direction.

We thank the Court for its time and consideration.

Very truly yours,

MICHELMAN & ROBINSON, LLP

Jared B. Foley

cc: All Counsel of Record Via ECF